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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,502	10/28/2003	Tai-Sheng Lin	LIN / BA-22869	8167
7590 05/06/2004			EXAMINER	
BUCKNAM AND ARCHER			BELLAMY, TAMIKO D	
1077 Northern Blvd.			ART UNIT	
Roslyn, NY 11576			PAPER NUMBER	
			2856	

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,502

Applicant(s)

LIN, TAI-SHENG

Examiner

Tamiko D. Bellamy

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/21/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Sklar (5,531,338).

With respect to claim 1, as depicted in figs. 1A and 2A, Sklar discloses a bottle body (12) having a plurality of scale lines (e.g., point markers 26) parallel to a horizontal line and along a vertical direction (col. 3, lines 37-47). Sklar also discloses a bottle cap (e.g. collar 24), a nipple (22), and the top end of the nipple (22) including an opening.

With respect to claims 2, 4-7, Sklar discloses that the scale lines (e.g. point markings 26) can include forms such as a circle with a dot in the center, Xs, cross hairs, crosses, or other means for indicating a point on the side of the bottle (col. 3, lines 37-47). Sklar also that each scale line (e.g., graduated point markers 26) have corresponding indicia (28), such as ounces or milliliters. This teaching inherently includes scale lines with different angles between 5 and 45 degrees as claimed.

With respect to claim 3, Sklar also that each scale line (e.g., graduated point markers 26) have corresponding indicia (28), such as ounces or milliliters.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Art Unit: 2856

The following patents are cited to further show the state of art with respect to a
bottler/container having scale lines at different angles:

U.S. Pat. No. (5,263,599) as to Sklar.

U.S. Pat. No. (6,212,953) as to Bethune.

U.S. Pat. No. (3,028,0983) as to Barr Arthur C.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Tamiko D. Bellamy whose telephone number is (571) 272-2190.
The examiner can normally be reached on Mondays, Tuesdays & Fridays 6:30 AM to 3:30PM;
and on Wednesdays and Thursdays the examiner 6:30 AM to 11:30 AM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the
organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
applications is available through Private PAIR only. For more information about the PAIR
system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tamiko Bellamy

T.B.

April 22, 2004


HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

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